

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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David Curry,

Case No. 0:25-cv-1006-SRN-DLM

Plaintiff,

vs.

**ORDER**

United of Omaha Life Insurance  
Company,

Defendant.

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Jonathon Mark Comuzzi & Zachary Schmoll, Fields Law Firm, 9999 Wayzata Blvd., Ste. 100, Minnetonka, MN 55305, for Plaintiff

Brandie L. Morgenroth & Maria Brekke, Nilan Johnson Lewis, 250 Marquette Ave. S., Ste. 800, Minneapolis, MN 55401, for Defendant

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SUSAN RICHARD NELSON, United States District Judge

This matter comes before the Court on the Parties' Stipulation for Stay of Litigation Pending Exhaustion of Administrative Remedies [Doc. No. 9]. The parties seek an administrative stay of this action until and unless Defendant United of Omaha Life Insurance Company makes an adverse determination of Plaintiff David Curry's appeal of his claim for long-term disability benefits and Plaintiff has exhausted his administrative remedies under the Policy.

Because this process may take some time, and even then, the basis for the lawsuit might change, the appropriate course of action is for Plaintiff to file a motion to dismiss

without prejudice. Accordingly, the Court respectfully denies the parties' requested administrative stay.

**THEREFORE, IT IS HEREBY ORDERED** that

1. The parties' requested Stay of Litigation Pending Exhaustion of Administrative Remedies [Doc. No. 9] is respectfully **DENIED**.

Dated: July 15, 2025

s/Susan Richard Nelson

Susan Richard Nelson  
United States District Judge